



# Report for the Office for Students: Provider engagement

Matt Wood, Sophie Renken, Caroline Wheeler and  
Jenny Kedros

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# EXECUTIVE SUMMARY

## RESEARCH BACKGROUND AND METHODOLOGY

The Office for Students (OfS) commissioned this research to gain a more systematic and robust understanding of the diversity of views of the providers it regulates. This research explores providers' perceptions about the OfS, and its current approach to communicating with the sector, with the aim of improving the quality and clarity of communications going forward.

This document provides a summary of findings from research conducted by Shift Insight on behalf of the Office for Students. The research was commissioned to explore:

- Perceptions of the OfS's role and organisational aims;
- The clarity of regulatory expectations;
- Views of the OfS in comparisons with other regulators;
- Experiences of OfS communications, which work well, and which could be improved;
- Suggestions for improvements in future communications.

32 interviews with Accountable Officers (AOs) and their representatives were conducted in June and July 2022. One AO (further education provider) returned a written response. The sample included representation from higher education institutions, further education institutions, and private providers, considering a range of further factors in the sample (size, region, specialisms, mission groups and affiliations).

The research found that there are a variety of provider types with differing understanding and experience of the OfS. Much of the clarity achieved by providers around the role of the OfS and provider obligations stemmed from successful communication channels. This included the twice-monthly AO mailing sent from the OfS chief executive to all accountable officers, and the website, in particular. Those with less experience or that had registered with the OfS more recently were especially welcoming of webinars and events. When available, personal interactions with OfS staff were seen to offer the most clarity on all regulatory matters.

Personal interactions with OfS staff were reported as positive, although providers often found it difficult to find the right person to speak to. This type of interaction was reported to facilitate the development of a mutually supportive relationship that, though limited in a regulatory environment, was nonetheless in demand from providers.

More negative comments tended to focus on a demand for a more personalised, collaborative and supportive approach. Providers wanted more recognition of the different circumstances in which they were working: from small and further education providers, with individuals or teams struggling to cope with the volume, speed, and nature of OfS requirements; to large established providers, who felt that some communications failed to recognise their consistent performance record and low-risk status. Further comments indicated a more deep-rooted perception of the OfS's relationship and interaction with government, a relationship which providers felt was too close and reactive.

These issues suggest ways the OfS can evolve its approach to better support providers. One potential example is changes to the tone of OfS communications so they are less formal, and tailored for specific groups where appropriate. Ofsted was cited as a regulator that had, over time, achieved this

softer, more supportive tone of engagement. The key findings and recommended actions resulting from this research are outlined below. The recommendations were developed following discussions with the OfS.

## **OFS COMMUNICATIONS WITH PROVIDERS – POSITIVE EXPERIENCES AND RECOMMENDATIONS**

**Providers value the Accountable Officer (AO) update mailing, which is described as a key source of information and reference for providers. They would like it to be disseminated more widely, earlier in the week.**

**Action:** Consider separately communicating the need for the AO to cascade the information internally as a responsibility of the AO. Consider adjusting the timing of the mailing to earlier in the week.

**Providers value personalised communications and would appreciate a more informal and collegiate tone.**

**Action:** AO mailings are personalised. Take steps to ensure that other OfS communications are personalised to providers. Consider how emails could be tailored for different provider types or roles.

**Providers value individual interactions with staff and would like named OfS contacts – however, staff did not know who to contact at the OfS about a particular issue.**

**Action:** Promote greater awareness of different communication channels in the 'Contact us' section of the website. The OfS could also explore the capacity of policy teams to enable greater individual interactions with providers.

**Providers value the webinars and events offered by OfS staff, particularly when they are specifically tailored to an issue or a level of provider experience and include an opportunity to interact and ask questions of a named OfS speaker.**

**Action:** Consider introduction of more regular webinar updates on individual, key issues with Q&A sections run by OfS speakers.

**Providers value the website and would welcome more social media activity and information.**

**Action:** Continue to maintain the high quality and range of information presented on the website. Consider exploring new ways of using social media channels to reinforce key information.

**Providers highly value personal visits from OfS staff and would welcome this as a way of developing a relationship based on increased mutual understanding.**

**Action:** Consider establishing a rolling programme of provider visits. As mentioned in relation to personalised contact, the OfS could work to ensure that providers are aware of the different communication channels in the Contact us section of the website to help meet this provider suggestion.

**Although valued as a channel to lend their voice, providers wanted consultations to be held at separate, spaced times and simplified, to free up limited resource to respond effectively. Providers wanted more communications reporting back on the impact of past consultations.**

**Action:** Consider staggering consultation timings. Review the format of consultations with the aim of simplifying or restructuring the content, and providing a 'key points' section, aimed at different provider types. Communicate consultation impact in AO and wider mailings and on wider channels.

## **OFS COMMUNICATIONS WITH PROVIDERS – NEGATIVE EXPERIENCES AND RECOMMENDATIONS**

**There is a lack of clarity around the role of the OfS. While acknowledging the differences in remit of the two organisations, some are nostalgic about the more collaborative approach taken by the Higher Education Funding Council for England (HEFCE).**

**Action:** Clearly communicate the role of the OfS and the need for an autonomous approach as an effective regulator. This might include, among other communications, a new 'Introduction to the OfS' registration documentation or an increase in supportive documentation, such as the report resulting from the Blended Learning Review.<sup>1</sup>

**Providers are confused by the complexity of some OfS processes, communications and consultations, and related tasks require high levels of resource by providers.**

**Action:** The OfS could seek out ways to reduce the administrative burden on providers where possible. Consider reviewing forms, templates, processes and timelines. Consider providing a summary document for complex OfS comms, including a list of clear actions, tailored to provider type.

**Providers find some communications too legalistic and non-collegiate.**

**Action:** Review the tone of communications. Consider adapting tone to different types of communication, reflecting their level of formality.

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<sup>1</sup> See <https://www.officeforstudents.org.uk/publications/blended-learning-and-ofs-regulation/>

**Providers feel that the lack of a dedicated named contact can make it hard to find the right person to speak to.**

**Action:** Perhaps using the AO mailing and wider email circulation, ensure providers are aware of the specific policy contacts listed on the Contact us page on the OfS website, and of the public enquiry line.

**Providers would like a more transparent, collaborative, and consultative relationship with the OfS with a shared focus on student outcomes, including opportunities to contribute and share good practice.**

**Action:** Consider ways to better communicate the role of the regulator and how providers can support that role in protecting student interests. Highlight the availability of existing case studies and consider the development of supportive documentation (as discussed above for the Blended Learning Review).

**Established providers felt they should be treated differently from newer providers and that communications they received didn't reflect their low-risk track record.**

**Action:** While considering tone of voice overall to soften the tone of some communications, consider how to communicate more clearly the rationale for a consistent sector-wide approach in which all providers adhere to the same legislation and regulatory framework.

**Small providers felt that the OfS was geared towards large established universities and didn't acknowledge their different levels of resourcing and experience.**

**Action:** The OfS could consider further ways to make communications and consultations more accessible to all providers, particularly smaller and specialist providers. The OfS could review documents to highlight key points and simplify language, providing specific guidance tools and glossaries for non-traditional provider types.

**Smaller and further education providers feel that their different circumstances and student audiences are not recognised by the OfS and that the regulator failed to adapt their approach accordingly.**

**Action:** The OfS could consider how to demonstrate its expertise in the circumstances of non-traditional providers. This might include a series of further education specific webinars with interactive Q&As to present expertise and explore sector reaction and identify their needs. Consultation reports could be reviewed to consider their impact on different provider types and sizes.

**The OfS was not perceived as independent of government and communications from ministers and the OfS could be conflated, which exacerbated this perception.**

**Action:** The OfS could take steps to more clearly communicate the relationship between the OfS and government. Where appropriate, softening the tone of OfS communications to separate them in style from those received by ministers could be beneficial.

**Some providers wanted more information about the OfS as an organisation, to make it easier to reach the right team and to regulate expectations around scale and resource when making requests or waiting for feedback.**

**Action:** Consider what further factual information should be provided on the website and ensure that this is accessible and highlighted in wider OfS communications with providers. Again, ensure that providers are aware of individual contact channels on the 'Contact us' page of the website. Perhaps aim to include some context on the sizes and make-up of teams on that page.

# BACKGROUND AND METHODOLOGY

## RESEARCH OBJECTIVES

The objectives of the research were to:

- explore provider perceptions of the OfS's role and its organisational aims;
- understand provider perceptions of the clarity of OfS regulatory expectations;
- explore provider views of other regulators;
- establish the range of experience that providers have with OfS communications;
- uncover which areas of OfS communications are working well and where communications could be improved.

## METHODOLOGY

### Recruitment

•Shift Insight and the OfS collaborated to assemble sample groups to invite to interview. These groups, although curated, ensured that a diverse range of providers were included. These institutions were contacted by the OfS, at which point it was at the discretion of the Accountable Officers whether or not their institution became involved in the research. Interested parties were then contacted by Shift Insight to arrange an interview.

### Qualitative interviews

•This research involved semi-structured, qualitative interviews of approximately 45 minutes, conducted over Microsoft Teams. The interview guide was designed in collaboration with the OfS to ensure key topics were addressed. These interviews were then recorded and transcribed.

### Analysis

•Interview findings were discussed internally, to consider insights as they emerged. Interview transcripts were uploaded to Atlas.ti, where they were coded thematically to help identify recurrent themes and aid in reporting.

## ANONYMITY

Participants were given the option of whether or not they would like to remain anonymous within the research.

The majority of participants preferred not to have their comments directly attributed to them in the reporting. Therefore, for consistency, we have not included the names of participants or the providers in the report. Where quotes provide context that could identify participants, permissions have been checked to ensure they had waived anonymity as mentioned above.

## PROFILE OF PARTICIPANTS

We conducted 32 interviews with Accountable Officers (AOs) or their designated representatives, from a range of providers. We also received one written response from a further education provider. These representatives took an active role in reporting or upholding OfS regulations and held a senior position within their provider. AO roles included vice chancellors, principals, CEOs, and directors.

Interviews were conducted with:



The 32 interviews were split between the different provider types regulated by the OfS, including universities, specialist and private colleges, conservatoires, further education colleges, and distance learning providers. Recruitment aimed for an equal rather than representative split across these providers to gather enough data to identify recurrent themes and challenges by provider type. This allowed for minority groups within the higher education sector, namely further education providers and smaller private providers, to express how well they felt the current communication approach catered to their needs.

These providers were made up of a range of:

1. **Regions:** eight in London, four from the Midlands, six from the North East and Yorkshire, one from the North West, four from the South East, five from the South West and the remaining four either based online or across multiple locations.
2. **Sizes:** there was a broad range of learner numbers, from under 500 at the smallest providers to over 25,000.
3. **Percentage of international students:** providers ranged from having a proportion of international students of less than 10 per cent to more than 50 per cent of the total student body.
4. **Specialisms:** private providers interviewed had specific subject specialisms ranging across finance, health, and the arts.
5. **AO's time at provider:** individuals interviewed had spent various amounts of time in their current role at their provider, ranging from around six months to over 10 years. Likewise, some had taken on similar roles previously at other providers, while others had experience in other industries before taking on their role, giving them varying levels of experience within the higher education sector.

## OFS COMMUNICATIONS WITH PROVIDERS – POSITIVE EXPERIENCES

### PROVIDERS VALUE THE AO MAILING WHICH IS A KEY POINT OF INFORMATION AND REFERENCE FOR PROVIDERS

The AO update email was the principal channel of communication, sent to AOs twice a month (usually sent on the Thursday of weeks 2 and 4 every month, except for during holiday periods). These emails were considered a primary port of call for most AOs. The consolidation of necessary information was well received, and it was the first place that many heard about updates and requirements. This consolidated approach was acknowledged as a recent improvement, compared with a previous perception that communications were coming in 'left, right and centre'.

**Findings:** The following positives were particularly noted:

- Participants liked that the mailing provides web links and embedded documents to direct the recipient to more in-depth information.
- The format of sections by subheading is user-friendly.
- Multiple participants described the emails as clear and useful, and appreciated receiving reminders about tasks and deadlines.

**Action:** The AO mailing should be retained in this format and continue to be shared regularly.

### PROVIDERS WOULD LIKE AO MAILINGS SENT TO A WIDER NUMBER OF RECIPIENTS WITHIN THEIR PROVIDER

The AO mailing was often internally redirected to other staff. There may be some issues with information or updates being included in the AO update mail, but not other mailing lists, and vice versa. Some felt that they were still receiving a large number of emails on top of the AO mailing, making it difficult to prioritise and delegate.

In many cases staff became familiar with news and updates from other sources: institutional affiliations or mission/sector groups such as the Russell Group and UUK, and sector media channels Times HE and Wonkhe were mentioned. This could lead to some minor communications issues within providers.

Participants often did not distinguish between the AO update email and the OfS mailing lists that other members of staff can subscribe to. Nominated representatives were more likely to know the difference, given they did not receive the AO email directly from the OfS, although some AOs were explicit about receiving both.

Providers suggested that allowing more staff members to receive the AO emails directly may be beneficial and help key individuals to be less reliant on important information trickling down to them or gleaning information from disparate sources. Considering that the majority of action points were delegated to financial or administrative staff, participants felt this would help ensure information reached the necessary parties as soon as possible.

**Finding:** Providers wanted the number of contacts who could receive the AO emails to include more key contacts at the provider, for reasons including:

- Improving time-efficiency by ensuring the appropriate individual is kept in the loop of recent updates and reducing unnecessary delays due to ambiguity over whom information should be redirected to.
- Making sure important updates are not missed while AOs are away so time-sensitive matters can be promptly addressed.
- Some participants believed that the time of the email should be changed from Thursday to a time earlier in the week, when staff would have more time to address the topics raised within a single working week.

**Action:** The mailing is sent only to the Accountable Officer at each institution to ensure that key information requiring actions or relating to regulation are clearly communicated. The AO is a formal role that sits within the regulatory framework and their contact details are maintained as a reportable event to ensure that there is always an accurate contact at a provider. Although the email primarily needs to reach the named person responsible for the provider, the OfS could consider separately communicating the need for the AO to cascade the information internally as a responsibility of the AO or as an automatic redirect.

AO mailings are currently typically sent out on a Thursday morning. To facilitate operation of actions in the mailing, the OfS could consider adjusting the timing of the mailing to earlier in the week to allow time for the AO to disseminate the communication effectively and for staff to act accordingly before week end.

## PROVIDERS VALUE PERSONALISED COMMUNICATIONS AND WOULD APPRECIATE A MORE INFORMAL AND COLLEGIATE TONE

A number of further suggestions to improve the AO mailing and wider email communications related to content, format and timing. Provider suggestions often related to communications being more tailored and personalised. Some felt that the emails could be more tailored, particularly in their content. Some participants felt it would be useful to send different emails for different types of information (i.e. dividing up content relating to financial and quality assurance matters) and tailoring emails to different provider types, so they could be sure that the content was relevant to them. Participants tended to find the tone somewhat 'curt' and instructional, and would welcome a more collaborative tone. This is explored further on page 15.

**Finding:** Providers would like a more personalised approach to the emails they receive.

**Action:** The OfS could take steps to ensure all OfS communications to providers are personalised, and consider how different emails could be tailored for different provider types or roles within providers and further reviewing tone of voice in communications.

## PROVIDERS VALUE INDIVIDUAL INTERACTIONS WITH STAFF AND WOULD LIKE NAMED OFS CONTACTS

Participants described how their personal interactions with individual OfS staff members had been positive. They had been 'clear', 'professional', and 'accurate', and provided detailed information that

had helped to resolve issues. These interactions were usually initiated by providers who were soliciting advice, support and guidance on how to meet regulatory expectations, rather than by the OfS following an issue being identified. However, providers often did not know who to contact, which meant providers reported wasting time by having to describe their issue to multiple contacts within the OfS.

**Finding:** It is in the individual interactions with OfS staff that providers reported achieving greater clarity about the role of the OfS and expectations upon them. However, the positive experience providers had had in the past with individual staff members was sometimes hard to initiate because staff did not know who to contact at the OfS about a particular issue.

**Action:** While we understand that the OfS cannot provide individual named contacts for all providers, action could be taken to promote greater awareness of different communication channels in the Contact us section of the website. The OfS could explore the capacity of policy teams to enable greater individual interactions with providers.

## PROVIDERS VALUE THE WEBINARS AND EVENTS OFFERED BY OFS STAFF

Webinars were not widely attended by our interviewees because providers only joined them if they felt unclear about a specific issue. Those who felt more confident about OfS requirements often did not feel the need to attend. However, those who did attend valued them and liked that they were recorded and made available for reference after the event.

Any criticism of the webinars largely related to their presentation, rather than content. A small number of those participants who had experience of them, thought that they appeared 'one-way', focused on displaying the facts, and foregoing opportunities for open dialogue and collaboration. This could play into perceptions of the OfS as impersonal. One participant mentioned how they often reiterated published information, so they did not consider them as a source for learning new information.

Two further education provider comments suggested potential for the webinars to demonstrate OfS engagement with non-traditional providers and, conversely, that a lack of webinar topics aimed at the sector could demonstrate the opposite – that the OfS tended to focus on traditional providers.

In larger providers AOs may delegate other roles to attend while in smaller providers the AO themselves would attend. Therefore, some participants suggested that tailoring events and webinars to different issues and levels of experience, and highlighting this in pre-event materials, would be beneficial.

With events moving online since the pandemic, participants often conflated online events and webinars, so these channels received similar feedback in interviews. However, face-to-face speaking events were seen as useful because they allowed a more personalised experience and opportunities to ask questions. One participant praised the individual speakers from the OfS, noting how well versed they were in the education sector and their eagerness to confront issues.

**Finding:** While webinars and events are valued, they are most helpful when specifically tailored to an issue or a level of provider experience, with information about the target audience and the benefits of attending made clear before signing up.

An opportunity to interact and ask questions of a named OfS speaker was highly valued.

**Action:** Consider introduction of more regular webinar updates on individual, key issues with Q&A sections run by OfS speakers.

## PROVIDERS VALUE THE WEBSITE AND SOCIAL MEDIA ACTIVITY AND INFORMATION

The website was used regularly as a way to follow up on updates highlighted by the emails or to answer questions within the provider, when they arose. It provided a valuable repository of information that key contacts could use and direct other members of staff towards.

Participants felt reassured that the website would provide them with the most up-to-date information. They particularly mentioned the deadlines page as a useful resource for planning time and managing workload. The data dashboard was noted as a valuable resource. It was generally seen as easy to navigate between pages and find the relevant information quickly, although one participant mentioned that, due to the quantity of information, they could find navigation confusing.

Overall, the website was reported as user-friendly – a single participant mentioned that the portal element could be harder to use, with occasional errors and page expirations causing problems.

AOs were keen that the OfS engage in social media platforms, seeing this as a useful way of reinforcing the communication of key information.

**Finding:** The website is seen as an effective channel for checking on the most up-to-date information, with the deadlines page and the data dashboard seen as particularly valuable. Providers would like more information reinforced via social media communications.

**Action:** Continue to maintain the high quality and range of information presented on the website. Consider exploring new ways of using social media channels to reinforce key information.

## PROVIDERS HIGHLY VALUE PERSONAL VISITS FROM OFS STAFF

Many participants raised the prospect of provider visits as a key way for the OfS to build a deeper understanding of what they did and the conditions within which they operate. There was a feeling that this was a key part of recognising the particular needs of providers and the reality 'on the ground'. This was felt to be difficult to replicate online, through the reporting methods currently used.

**Finding:** Providers would welcome opportunities to share their experiences and challenges in person. This speaks to a desire to put a face to the OfS. This also reflects the view that providers would like to see a more collaborative approach developed, based on increased mutual understanding.

**Action:** The OfS could consider establishing a rolling programme of provider visits. As mentioned in relation to personalised contact, the OfS could work to ensure that providers are aware of the different communication channels on the Contact us section of the website to help meet this provider suggestion.

## **ALTHOUGH VALUED AS A CHANNEL TO LEND THE PROVIDER VOICE, PROVIDERS WANTED CONSULTATIONS TO BE SPACED AND SIMPLIFIED**

Engaging in the consultation process was seen as important, with this often covering areas seen as critical to provider operations. Consultation was felt to be a valuable chance for providers to make their opinions known to the OfS. For less established providers, they were seen as an opportunity to add their voice in a sector which they perceived as run with traditional providers in mind (see page 17).

All participants had responded to at least one OfS consultation, either directly or as part of a wider group. This often involved responding to several consultations which were running concurrently, which could present resourcing challenges, particularly for smaller providers. Providers were informed of consultations via email, and in large higher education providers these would be forwarded to a specific team, usually under the director of planning or quality, to focus on. Small providers were not resourced with dedicated teams in this way so responding to the deadline could be challenging.

Consultation documents were said to contain a large amount of high quality information. However, they were also long and sometimes seen as unnecessarily complex. One provider noted that concurrent consultations could sometimes contradict each other, for example, with those on metrics for the B conditions and TEF seen as 'mutually incompatible' with 'no way to feedback to the OfS that the two didn't make any sense when you put them adjacent to one another'.

There were some misgivings around the real impact of consultations with some suspecting them to be 'box ticking' exercises or too prescribed, with many decisions 'already made'. Providers were concerned that consultations did not always influence decision making, despite the significant resources they require. The lack of communications that 'closed the loop' on formal consultations could serve to exacerbate this impression.

**Finding:** Although consultations were seen as high quality and were valued as a chance to lend the provider voice to crucial issues, even larger providers could struggle with the resourcing required to complete them effectively. Smaller or non-traditional providers particularly could struggle to unpick which areas related particularly to their contexts. Providers sought more communications reporting back on the impact of past consultations.

**Action:** Where possible the OfS could consider staggering consultations to allow time for providers to address each one effectively within their resourcing capabilities. The format of consultations could be reviewed with the aim of simplifying or restructuring the content, and providing a 'key points' section, aimed at different provider types. Communications reporting on consultation impact could be highlighted and linked into AO and wider mailings.

## OFS COMMUNICATIONS WITH PROVIDERS – NEGATIVE EXPERIENCES

### THERE IS A LACK OF CLARITY AROUND THE ROLE OF THE OFS

We asked participants to describe the role of the OfS. Many were keen to stress their understanding and support of the OfS's role in holding providers accountable. They understood the role of the OfS to be in protecting students' interests by:

- Setting and upholding the standards of higher education in England;
- Ensuring the quality of providers and courses;
- Upholding standards, maintaining both the worth of a degree and English higher education's international reputation;
- Ensuring that public funds received by providers were distributed and spent appropriately.

Providers spoke positively about the benefits arising from regulation, including:

- Safeguarding and protecting the interests of students aligned with their core values;
- Helping to reinforce processes and structures involved in providers' data-driven approaches to quality;
- Allowing private providers to benefit from wider opportunities within the sector;
- Supporting providers in difficult or exceptional circumstances.

Providers often described how the OfS's core values were aligned with their own mission, describing crossover with their internal values and data-driven approaches. Providing value for money and positive student experiences were seen as central to being a high-quality provider.

Across the board, committee structures and internal procedures were based upon OfS requirements, with key point indicators aligned with OfS metrics and institutional risk registers based on registration conditions. This approach was accepted as a requirement for meeting regulator standards and the fact that these standards existed made processes and structures more rigorous.

Private providers particularly discussed the positives of being recognised as being on a par with more established providers, allowing for increased opportunities such as accessing research funding.

The OfS was praised for its role in supporting providers during exceptional circumstances. In one case, the OfS had helped to take a failing provider from serious financial distress back to solvency. The approach was reported as professional, supportive, useful, respectful and collaborative, while allowing the provider autonomy to reset their course to stability.

That said, while participants appreciated the difficulty of being a supportive, 'firm but fair' regulator, the majority interviewed expressed strong disagreement with some aspects of the OfS approach, seen as unnecessarily tough, seeking conflict with all providers as a means to achieve standards across the sector. The tone of communications was often responsible for this perception – this is discussed in more detail on page 16. Most providers felt that they were united with the OfS in the aim of protecting the interests of students so that they succeed in higher education. Participants asserted that by aligning a little more with provider interests and contexts, this aim could be better supported.

University providers displayed some nostalgia for HEFCE's ways of working, rather than the organisation as a whole. Although providers were reportedly clear on the different remits of the two

organisations, this past experience of the more personal approach by HEFCE could be seen to muddy the water. This primarily related to having a relationship with a named contact.

**Finding:** Although clarity around the regulator role was asserted, some disconnect was apparent; many providers stressed a wish that the OfS act more often in the interest of providers and, while acknowledging the differences in remit of the two organisations, some were nostalgic about the more collaborative approach taken by HEFCE. The provider view was that they too were acting in the interests of students and that in seeking out provider failings and trying to 'catch them out', rather than working collaboratively, the OfS worked against them, which in turn hampered provider efforts to help students succeed.

**Action:** Clearly communicate the role of the OfS and the need for the autonomous approach for the OfS to be an effective independent regulator. This might include, among other communications, a new introduction to the OfS for those seeking to register and developing supportive documentation, similar to the report resulting from the Blended Learning Review.<sup>2</sup>

## PROVIDERS ARE CONFUSED BY THE COMPLEXITY OF SOME OFS PROCESSES, COMMUNICATIONS AND CONSULTATIONS

The volume and complexity of OfS documents and related processes led the majority of AOs to describe the necessity of delegating tasks relating to meeting OfS conditions to colleagues with devolved responsibilities for particular areas. This included to staff such as the academic registrar, chief financial officer, or deputy vice-chancellor for education/student experience, or to wider data teams. These responsibility networks could become complex, with multiple roles and lines of communication. In smaller and further education providers, there could be a single person or very small team managing this alongside other responsibilities.

Within this structure, regulatory requirements took up significant administrative resource. Although accepting the necessity of compliance tasks, participants also complained about 'technocratic and unnecessary processes'. Some participants referenced long forms requiring the same information to be inputted multiple times, and extremely short timescales for the return of documents followed by long waits for a response or for clarifications which could hold up a process for many months.

Documents were described as lengthy and difficult to unpick, particularly for providers new to the OfS Register. They referred to multiple, complex and interlinked documents that were hard to use and were keen to see more technical guidance and support (note that existing technical guidance documents were seen as a strength by many). There was a request for a review of technical language to make information more accessible, including less statistical terminology, and the provision of specific induction/onboarding materials.

**Finding:** In all cases, the number and extent of the documents received from the OfS required high levels of resource within providers, and the subsequent redistribution of OfS-related work was complex. Providers wanted processes and documents reviewed and simplified where possible to reduce the burden on these networks.

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<sup>2</sup> See <https://www.officeforstudents.org.uk/publications/blended-learning-and-ofs-regulation/>

**Action:** The OfS should seek out ways to reduce the administrative burden on providers where possible. Consider reviewing forms, templates, processes and timelines. Consider providing a summary document for complex OfS comms including a list of clear actions, tailored to provider type.

## PROVIDERS FEEL THAT SOME COMMUNICATIONS ARE TOO LEGALISTIC AND NON-COLLEGIATE

The stated concerns around length and complexity aside, the content of OfS communications was generally welcomed as useful and comprehensive. However, the tone used was often felt to be overly 'formal', 'strident', 'legalistic' and 'punitive', leading to a sense of mistrust and reportedly reinforcing negative impressions discussed more widely in this section.

Primarily, criticism related to written material, although complaints around tone could also extend to sector events and Q&A sessions. An exception here was seen in most personal interactions with the OfS which, when experienced, was generally praised for being professional, knowledgeable and helpful.

Formal communications were said to be particularly problematic in this regard. For some communications, this made sense to providers – especially in the case of formal or technical documents. However, it was not felt to be appropriate for all kinds of communications and was seen as a contributor to negative provider feelings discussed more widely in this section.

Provider suggestions for adapting tone of voice included:

- Adapting tone to different contexts. The tone was perceived to be too formal and punitive, even when the communication did not relate to providers' regulatory failure. Some felt a more formal tone could then be a signal for a communication requiring urgent attention or action.
- Including lines in communications to show a level of empathy or recognition of universally held circumstances. Participants suggested the use of introductory lines wishing providers well or referencing the difficult circumstances of the pandemic.
- Some wanted more recognition of the sector's successes. Providers felt that, in reality, the OfS did recognise that most providers shared their aims regarding the student experience, but that this was something that did not translate to communications.
- Finally, a reduction in legalese was suggested as being a way to make communications less formal and more accessible.

Further education providers, and higher education providers who had previous experience of the organisation, highlighted a comparison with Ofsted as a regulator which had softened its tone over time and achieved an approach which was closer to that which participants wanted – 'firm but fair' and 'polite but clear'. Ofsted was reported as tailoring its tone and approach to different circumstances. Some did recognise a change in OfS tone in recent times, with Nicola Dandridge, former chief executive of the Office for Students, seen as having acknowledged the issue and acting accordingly.

**Finding:** Although some recognised a softening of tone over time, the reaction to the tone of voice in current communications can still have the effect of eroding provider respect or support for the regulator.

**Action:** Consider the tone of communications. Consider adapting tone to different types of communication.

## PROVIDERS FEEL THE LACK OF A DEDICATED NAMED CONTACT

In relation to the demand for more personal interaction and building on the positive experiences providers had had in the past with individual OfS staff members, a large proportion of providers were keen that they should have access to a specific named contact within the OfS to answer queries and problems directly. As discussed, this was generated by some nostalgia for the named contact providers had had a previous relationship with at HEFCE. Further education providers suggested this might be organised by region with a named contact with specialist knowledge of their sector.

**Finding:** Providers feel the lack of a dedicated named OfS contact to answer issues directly and avoid having to search for the right person to speak to.

**Action:** Perhaps, using the AO mailing and wider email circulation, ensure providers are aware of the specific policy contact points listed on the Contact us page on the OfS website, and of the public enquiry line.

## PROVIDERS WOULD LIKE A JOINT APPROACH WITH THE OFS WITH A SHARED FOCUS ON STUDENT OUTCOMES

Provider requests often related to fostering a more consultative and collaborative relationship between the regulator and the sector. Providers felt this move could be justified by a recognition of what were felt to be high standards in the majority of providers, and a common purpose for helping students to succeed. One participant thought that by being, 'open, transparent, empathetic, immersed [and] understanding... they will get more from us, which means the students benefit... how do you get the best for students? By engaging properly with the providers who serve them.'

Some suggested that successful and established providers were in a good position to share good practice with those who were newer to the OfS Register. This approach may, they thought, help to demonstrate acknowledgement of high quality in the sector, softening the punitive tone. It was suggested that there may be opportunities to consult with providers and take on board feedback to help support the sector as a whole – one large higher education provider participant suggested asking providers 'what they felt were the biggest challenges they were facing in terms of that commitment to [OfS] overarching principles... Then to use that as a basis for co-creation of a set of pieces of work that would be undertaken in collaboration between the office and the sector to address those key concerns.'

Providing potential solutions when raising regulatory issues in communications was desired. These might be attached documents, or a series of workshops or webinars. Examples here were drawn from experience with accreditation bodies by a private provider. Another referenced an experience with the FE Commissioners Office which was supporting colleges to work with other colleges in sharing good practice. More widely, further education providers were interested in learning from how universities operate, and they thought that university providers could also learn from them.

**Finding:** Providers were keen to see a more transparent, open and consultative approach to communications, and to wider initiatives. Some suggested initiatives aimed at enabling the sharing of good practice between providers or providing case studies, webinars or guidance tools to correct provider practice where it was not compliant.

**Action:** Consider ways to better communicate the role of the regulator and how providers can support that role in protecting student interests. Highlight the availability of existing case studies and consider the development of events and supportive documentation (as discussed above for the Blended Learning Review).

## ESTABLISHED PROVIDERS FELT THEY SHOULD BE TREATED DIFFERENTLY FROM NEWER PROVIDERS

Larger higher education providers were particularly likely to express the sentiment that, as established and successful organisations, they were too low-risk to be treated as if the OfS expected them to fail. These providers felt that communications reflected a 'disproportionately tough' approach which didn't reflect their low-risk status and which set them against their regulator, when a more consultative approach could 'bring them on side' and benefit the sector more widely. An example here related to an established provider with a high retention rate receiving generic communications relating to low continuation rates.

In established providers, some participants suggested that the approach they experienced was designed for new private providers, perceived by the former as having a different set of principles and values, perhaps a focus on shareholder value over students' interests, at the expense of quality and regulatory compliance.

**Finding:** Established providers felt that communications they received were 'disproportionately tough' and reflected a 'one size fits all' approach which did not reflect their track records of student success. There was a suspicion that this approach was aimed at new private providers who had a stronger focus on shareholder value.

**Action:** While considering tone of voice overall, as discussed, the OfS could consider communicating more clearly the role of the OfS and the rationale for a consistent sector-wide approach in which all providers adhere to the same legislation and regulatory framework.

## SMALL PROVIDERS FELT THAT THE OFS WAS GEARED TOWARDS LARGE ESTABLISHED UNIVERSITIES

Smaller providers (both higher and further education) reported that OfS demands sometimes felt like a mismatch for the size and scale of their provider type and that the OfS was primarily geared towards large, established universities.

They described working fairly independently, feeling that this put them at a natural disadvantage when it came to the levels of intelligence and networking achieved by more established higher education providers. Some smaller private providers had made the decision to join mission groups, to achieve a stronger advocacy role.

This perception related largely to issues of resourcing, with a lack of economy of scale in terms of the regulatory requirements, particularly data returns. Small teams reported high amounts of pressure and some referenced the Teaching Excellence and Student Outcomes Framework (TEF) and other data submissions. They described the challenges of contributing to consultations and other non-mandatory engagements that they felt were important but which only related to a subsection of their operations.

Some smaller private providers struggled to decode technical language used in consultation documents, feeling that communications here assumed a familiarity with the detail that only those in large higher education providers would have. Others struggled with the complex data analysis required, which they struggled to meet in terms of resourcing and skills.

**Finding:** Small providers felt that the OfS was primarily geared towards large established universities and that the level of regulatory requirement and expectations around experience and skill were unreasonable for providers with small teams, new to the OfS Register.

**Action:** The OfS could consider approaches to make communications accessible to all providers, particularly smaller and specialist providers. The OfS could consider reviewing documents to highlight key points and simplify language, providing specific guidance tools and glossaries for non-traditional and newer providers.

## **SMALLER AND FURTHER EDUCATION PROVIDERS FEEL THAT THEIR DIFFERENT CIRCUMSTANCES AND STUDENT AUDIENCES ARE NOT RECOGNISED BY THE OFS**

All the further education colleges we spoke to noted elements of the OfS's approach that did not work well with their context and systems. There was a sense that it was easy for the OfS to ignore a minority of further education providers, who felt they were under-resourced, that they did not have a strong voice in the higher education sector, and whose work with learners at levels 3-5 did not make for a clean fit with the requirements of OfS returns.

Again, issues here often related to resourcing, with perhaps only one person fully responsible for higher education within a college, or with a team in charge who also held other responsibilities. This impacted on data collection, administration, and subsequent implementation. This was particularly problematic when working on large projects. These providers reported that they struggled to complete statistical analysis requirements, compared with a large higher education provider who may have a role dedicated to this area.

There was a perception that the OfS did not acknowledge or adapt to the differences in the nature of further education provider student populations, and the potential difficulties these raised, and they referenced the TEF and graduate outcome data collections.

**Finding:** Small providers and further education providers felt that their different circumstances and student audiences were not taken into account by the OfS and that the regulator did not adapt its approach to take this into account.

**Action:** The OfS could consider how to demonstrate its expertise in the circumstances of non-traditional providers. This might include a series of further education specific webinars with interactive

Q&As to present expertise and explore sector reaction and identify their needs. Consultation reports could also be reviewed to consider their impact on different provider types and sizes.

## THE OFS WAS NOT PERCEIVED AS INDEPENDENT OF GOVERNMENT

There was a widely held belief that the OfS operated too closely to government, serving too directly and being too reactive to the government agenda, which was seen to conflict with its independent, arm's-length position. This was sometimes seen to conflict with the core OfS aim of protecting student interests. Some had sympathy, believing the OfS could be used as a 'political football'. There was a perception that recent government instability and the quickly changing political landscape had put the OfS in a more difficult position with, 'a never-ending succession of ministers all of whom have political points to make' and that they saw the OfS 'to be jumping on the coattails of that to try and keep up'. One mentioned a dramatic increase in the number of letters from government to the OfS around strategic advice direction (from once or twice a year to 15 in one year) to reinforce this point. The OfS reactions to these repeated interventions had the knock-on effect of generating conflicting messages for providers and distancing them further from their regulator.

Participants cited examples to illustrate this perception, including instances of receiving a letter from the minister directly followed by a communication from the OfS relating to the same area, e.g. grade inflation or grammatical standards. Providers reported a similarity in formal and legalistic tone between ministers' letters, which are out of OfS control, and those sent from the OfS.

The perception of what was termed 'knee-jerk reaction' to government imperatives and media attention (such as in the case of grammatical standards as mentioned above) was seen by some to highlight the OfS as an 'immature' regulator in contrast with other regulators – Ofsted and the Health and Safety Executive were mentioned as examples of regulators which succeeded in retaining an independence from repeated government intervention and which used a 'softer' tone and a more consultative or supportive approach to the organisations they regulated.

**Finding:** Communications received from ministers and the OfS across short time periods were often conflated in provider perceptions to demonstrate a lack of independence of the OfS from government.

**Action:** The OfS could take steps to more clearly communicate the relationship between the OfS and government. Where appropriate, consider softening the tone of OfS communications to separate them in style from those sent by ministers.

## SOME PROVIDERS WANTED MORE INFORMATION ABOUT THE OFS AS AN ORGANISATION

In the main, all providers found the majority of OfS expectations of them to be clear. However, there were a number of cases where confusion around OfS expectations was caused by issues related to timing, particularly when waiting on clarification of small points and pending decisions, and the impact of new or different policies over a particular period. Some providers felt that more information about the OfS as an organisation, its size and structure, would help to contextualise expectations. They felt they wanted to understand which team worked on a particular request, their size and scale.

**Finding:** Providing more information on the structure and make-up of the OfS (as well as its regulatory role and its relationship to government) and of OfS staff may help to further align provider expectations about what the OfS can offer.

**Action:** Consider what further factual information should be provided on the website and ensure that this is accessible and highlighted in wider OfS communications with providers. Again, ensure that providers are aware of individual contact channels on the Contact us page of the website. Perhaps aim to include some context on the sizes and make-up of teams on that page.

## CONCLUSIONS

Much of the clarity achieved by providers around the role of the OfS and provider obligations stemmed from successful communication channels, in place for this purpose. This included the AO mailing and the website, in particular. Those with less experience or having registered with the OfS more recently were especially welcoming of webinars and events. When available, personal interactions with OfS staff were seen to offer the most clarity on all regulatory matters. With this in mind, events which facilitate more opportunities for face-to-face, and crucially, two-way interaction with OfS staff, would further help to increase clarity for providers.

Although personal interactions with OfS staff were reported as positive, providers often found it difficult to find the right person to speak to. Placing greater emphasis on the 'Contact us' options on the website, accessed via the widely used AO update mailings and the wider emails circulated, could help to alleviate this.

Providers often remembered the named contacts they interacted with at HEFCE and, while recognising the differences in remit and role, were keen to replicate this approach, where possible. This type of interaction facilitated the impression of a mutually supportive relationship that, though limited in a regulatory environment, was nonetheless in demand from providers.

More negative comments tended to focus on a demand for a more personalised, collaborative and supportive approach than participants felt was currently offered. Providers wanted more recognition of the different circumstances in which they were operating: from small and further education providers, with individuals or teams struggling to cope with the volume, speed, and nature of the OfS requirements; to large established providers, who felt that some communications failed to recognise their consistent performance record and low-risk status. Some complaints were grounded in a more deep-rooted perception of the OfS's relationship and interaction with government, a relationship which providers felt was too close and reactive.

These issues indicate some areas to improve, particularly a change in tone of OfS communications, where appropriate. Ofsted was mentioned as a regulator that had, over time, achieved this softer, more supportive tone of engagement.

The OfS could also consider where potential adaptation of communications can be bespoke for specific provider types, where this will not compromise the necessary autonomy and consistency required in regulatory matters. Some of the research feedback suggests that an opportunity exists for the OfS to better engage with providers, to clarify what the OfS can and cannot do as the regulator, within the limits of its size and scope.

Recommendations also focus on support the OfS may consider offering, to help address the specific needs of different provider types, including supporting guidelines for particular consultations and regulatory documents, and reflecting time and resourcing constraints across providers.